

Attorneys for Defendants,
City of Woodlake, Officer Chris Kaious and
Officer Juan Gonzalez (erroneously sued as “Juan Gonzales”)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA FRESNO DIVISION**

<p>J.F., a minor, by and through her Guardian Ad Litem, LIZ FRANCO; V.F., a minor, by and through her Guardian Ad Litem, LIZ FRANCO; and M.M., a minor, by and through her Guardian Ad Litem, JENNIFER MENENDEZ,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CITY OF WOODLAKE; CHRIS KAIIOUS, JUAN GONZALES and DOES 1-10, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 1:23-cv-01569-JLT-BAM</p> <p>CITY DEFENDANTS' ANSWER TO FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL</p>
--	---

COME NOW DEFENDANTS, City of Woodlake, Officer Chris Kaious and Officer Juan Gonzalez (erroneously sued as “Juan Gonzales”) and no others, (“Defendants”), and in answer to Plaintiffs’ First Amended Complaint (“Complaint”) admit, deny and allege as follows:

1. Answering the allegations contained in paragraph number 3, page 2 of said Complaint, Defendants admit each and every, all and singular, generally and specifically, said allegations and the whole thereof.

/ / /

///

1 2. Answering the allegations contained in paragraph numbers 4-6, pages 2-3 of said
2 Complaint, Defendants allege that they have no information or belief upon the subjects contained
3 therein sufficient to enable them to answer any of said allegations, and placing their denial on
4 that ground, deny each and every, all and singular, generally and specifically, said allegations
5 and the whole thereof.

6 3. Answering the allegations contained in paragraph number 7, page 3 of said
7 Complaint, Defendants lack sufficient information or belief to admit or deny the allegations in
8 this paragraph as to the Doe defendants and thereon deny these allegations. Defendants admit all
9 allegations in this paragraph regarding the City and Officers Kaious and Gonzalez.

10 4. Answering the allegations contained in paragraph number 8, page 3 of said
11 Complaint, Defendants admit all allegations in the paragraph except, the Defendants deny that
12 the City ratified anything.

13 5. Answering the allegations contained in paragraph number 9, page 3 of said
14 Complaint, Defendants lack sufficient information or belief to admit or deny the allegations in
15 this paragraph as to the Doe defendants and thereon deny these allegations. Defendants admit
16 that they were employed by the City and were subject to oversight and supervision of their
17 supervisors within the chain of command in the Woodlake Police Department. The Defendants
18 lack sufficient information or belief to admit or deny the allegations in this paragraph as to
19 “elected and non-elected officials.”

20 6. Answering the allegations contained in paragraph number 10, page 3 of said
21 Complaint, Defendants lack sufficient information or belief to admit or deny the allegations in
22 this paragraph as to the Doe defendants and thereon deny these allegations. Defendants admit the
23 remaining allegations in this paragraph.

24 7. Answering the allegations contained in paragraph number 11, page 3 of said
25 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
26 allegations and the whole thereof.

27 ///

28 ///

1 8. Answering the allegations contained in paragraph number 12, page 4 of said
2 Complaint, Defendants allege that they have no information or belief upon the subjects contained
3 therein sufficient to enable them to answer any of said allegations, and placing their denial on
4 that ground, deny each and every, all and singular, generally and specifically, said allegations
5 and the whole thereof.

6 9. Answering the allegations contained in paragraph numbers 13-14, page 4 of said
7 Complaint, Defendants admit each and every, all and singular, generally and specifically, said
8 allegations and the whole thereof.

9 10. Answering the allegations contained in paragraph number 16, page 4 of said
10 Complaint, Defendants admit each and every, all and singular, generally and specifically, said
11 allegations and the whole thereof.

12 11. Answering the allegations contained in paragraph number 17, page 4 of said
13 Complaint, Defendants incorporate all above paragraphs as if fully set forth herein.

14 12. Answering the allegations contained in paragraph numbers 18-19, pages 4-5 of
15 said Complaint, Defendants admit each and every, all and singular, generally and specifically,
16 said allegations and the whole thereof.

17 13. Answering the allegations contained in paragraph number 20, page 5 of said
18 Complaint, Defendants admit that the Decedent did not have a gun when he was shot by the
19 officers. Defendants deny that the Decedent did not have a gun when he engaged in domestic
20 violence by holding a gun to the head of the complaining witness.

21 14. Answering the allegations contained in paragraph number 21, page 5 of said
22 Complaint, Defendants admit that Decedent did not try to punch, kick or strike any of the
23 officers and did not physically try to touch them or their weapons/equipment. Defendants deny
24 the remainder of the allegations in this paragraph.

25 15. Answering the allegations contained in paragraph number 22, page 5 of said
26 Complaint, Defendants admit each and every, all and singular, generally and specifically, said
27 allegations and the whole thereof.

28 ///

1 16. Answering the allegations contained in paragraph numbers 23-24, page 5 of said
2 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 17. Answering the allegations contained in paragraph number 25, page 5 of said
5 Complaint, Defendants incorporate all above paragraphs as if fully set forth herein.

6 18. Answering the allegations contained in paragraph numbers 26-27 and 23-27 (sic),
7 pages 6-7 of said Complaint, Defendants deny each and every, all and singular, generally and
8 specifically, said allegations and the whole thereof.

9 19. Answering the allegations contained in paragraph number 29, page 7 of said
10 Complaint, Defendants incorporate all above paragraphs as if fully set forth herein.

11 20. Answering the allegations contained in paragraph numbers 30-35, pages 7-8 of
12 said Complaint, Defendants deny each and every, all and singular, generally and specifically,
13 said allegations and the whole thereof.

14 21. Answering the allegations contained in paragraph number 37, page 8 of said
15 Complaint, Defendants incorporate all above paragraphs as if fully set forth herein.

16 22. Answering the allegations contained in paragraph numbers 38-40, page 9 of said
17 Complaint, Defendants allege that they have no information or belief upon the subjects contained
18 therein sufficient to enable them to answer any of said allegations, and placing their denial on
19 that ground, deny each and every, all and singular, generally and specifically, said allegations
20 and the whole thereof.

21 23. Answering the allegations contained in paragraph numbers 41-47, pages 9-10 of
22 said Complaint, Defendants deny each and every, all and singular, generally and specifically,
23 said allegations and the whole thereof.

24 24. Answering the allegations contained in paragraph number 50, page 10 of said
25 Complaint, Defendants incorporate all above paragraphs as if fully set forth herein.

26 ///

27 ///

28 ///

1 25. Answering the allegations contained in paragraph number 51, page 11 of said
2 Complaint, Defendants admit that the Defendant officers while working as police officers
3 employed by the City and while acting in the course and scope of their duties, intentionally shot
4 Decedent multiple times in self-defense and in the defense of others. Defendants deny the
5 remainder of the allegations in this paragraph.

6 26. Answering the allegations contained in paragraph numbers 52-54, page 11 of said
7 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
8 allegations and the whole thereof.

9 27. Answering the allegations contained in paragraph number 56, page 12 of said
10 Complaint, Defendants incorporate all above paragraphs as if fully set forth herein.

11 28. Answering the allegations contained in paragraph numbers 57-59, pages 12-13 of
12 said Complaint, Defendants deny each and every, all and singular, generally and specifically,
13 said allegations and the whole thereof.

14 29. Answering the allegations contained in paragraph number 61, page 13 of said
15 Complaint, Defendants incorporate all above paragraphs as if fully set forth herein.

16 30. Answering the allegations contained in paragraph numbers 64-71, pages 14-15 of
17 said Complaint, Defendants deny each and every, all and singular, generally and specifically,
18 said allegations and the whole thereof.

19 As separate and affirmative defenses, answering Defendants allege as follows:

20 **FIRST AFFIRMATIVE DEFENSE**

21 That said Complaint fails to state a claim upon which relief can be granted.

22 **SECOND AFFIRMATIVE DEFENSE**

23 That at all times mentioned, the Defendant police officers acted reasonably and in good
24 faith and are entitled to qualified immunity as to the federal claims.

25 **THIRD AFFIRMATIVE DEFENSE**

26 For all state law claims, that the Decedent was contributorily negligent, that such
27 negligence contributed to the incident and that Plaintiff's recovery should therefore either be
28 barred or reduced to the extent of Decedent's negligence.

FOURTH AFFIRMATIVE DEFENSE

For all state law claims, that at all times, the Defendant police officers acted in self-defense and/or defense of others and such actions are therefore privileged and reasonable.

FIFTH AFFIRMATIVE DEFENSE

That Defendant City is immune from state law claims pursuant to California Government Code Section 815.

SIXTH AFFIRMATIVE DEFENSE

That Defendant City is immune from state law claims pursuant to California Government Code Section 815.2.

SEVENTH AFFIRMATIVE DEFENSE

That Defendant City is immune from state law claims for punitive damages pursuant to California Government Code Section 818.

EIGHTH AFFIRMATIVE DEFENSE

That Defendant City is immune from state law claims pursuant to California Government Code Section 818.2.

NINTH AFFIRMATIVE DEFENSE

That the Defendants are immune from state law claims pursuant to California Government Code Section 820.2.

TENTH AFFIRMATIVE DEFENSE

That the Defendant police officers are immune from state law claims pursuant to California Government Code Section 820.8.

ELEVENTH AFFIRMATIVE DEFENSE

That the Defendant police officers are immune from state law claims pursuant to California Government Code Section 821.

///

///

///

///

WHEREFORE, said answering Defendants pray for relief as follows:

1. For judgment as against Plaintiffs and in favor of Defendants;
2. That Plaintiffs take nothing by way of their Complaint;
3. For attorneys' fees and costs of suit incurred herein; and
4. For such other and further relief as the court may deem just and proper.

Dated: June 12, 2024

LONGYEAR, LAVRA & CAHILL, LLP

By: /s/ Nicole M. Cahill

VAN LONGYEAR
NICOLE M. CAHILL
Attorneys for Defendants,
City of Woodlake, Officer Chris Kaious
and Officer Juan Gonzalez

DEMAND FOR JURY TRIAL

City of Woodlake, Officer Chris Kaious and Officer Juan Gonzalez hereby request a trial
by jury.

Dated: June 12, 2024

LONGYEAR, LAVRA & CAHILL, LLP

By: /s/ Nicole M. Cahill

VAN LONGYEAR

NICOLE M. CAHILL

Attorneys for Defendants,

City of Woodlake, Officer Chris Kaious
and Officer Juan Gonzalez